

**ENTERED**

April 20, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

FIDELIS J. BADAIKI,	§	CIVIL ACTION NO.
Plaintiff,	§	4:20-cv-02216
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
SCHLUMBERGER	§	
HOLDINGS	§	
CORPORATION, <i>et al</i> ,	§	
Defendants.	§	

**ORDER ADOPTING  
MEMORANDUM AND RECOMMENDATION**

Plaintiff Fidelis J. Badaiki brings claims for racial discrimination, hostile work environment, and retaliation under 42 USC § 1981, as well as for breach of his employment contract. Dkt 1-2 at 24–38. He was previously employed by Cameron International Corporation. He sues not only Cameron International, but also Defendants Schlumberger Holdings Corporation, Schlumberger Limited, Schlumberger Technology Corporation, Paal Kibsgaard, Olivier Le Peuch, Steve McKenzie, Jamilah Cummings, Marisa Henning, John Corkhill, Nathan Cooper, Ray Arbor, Jay Jurena, Ed Gaude, and Henry Weissenborn. He seeks actual damages, penalties, costs, and fees.

Badaiki proceeds here *pro se*. He initially brought action in Texas state court in February 2020. Dkt 1-2 at 1–4. He then amended his petition in June 2020. Id at 24–38. A number of Defendants removed the action shortly thereafter. Dkt 1. The case was originally assigned to Judge Gray Miller upon removal. A prior-filed action by Badaiki on employment-discrimination claims against Cameron International was already pending before this Court. See *Badaiki v Cameron International Corporation*, No 4:19-

cv-371. As such, this action was transferred to this Court. Dkt 10. It was then referred to Magistrate Judge Sam Sheldon for full pretrial management pursuant to 28 USC § 636(b)(1)(A) and (B) and Rule 72 of the Federal Rules of Civil Procedure. Dkt 14.

Badaiki previously filed two petitions for writs of *mandamus* with the Fifth Circuit. The status of these petitions is unclear, with each being found procedurally deficient at various times. Dkt 55 at 5. Badaiki filed his first petition in August 2020 and there seeks to compel transfer of this action back to Judge Miller. Dkt 24. Badaiki then moved to stay this action in August 2020, pending the resolution of his first petition. Dkt 23. He further requested permission to appeal *in forma pauperis* as to that petition. Dkt 30. Badaiki also filed a second motion to stay this action in January 2021, pending the resolution of his second *mandamus* petition that seeks to remand this action to state court. Dkt 51.

Judge Sheldon issued a Memorandum and Recommendation in February 2021 and recommended denying the motions to stay and to appeal *in forma pauperis* as to the first *mandamus* petition. Dkt 55. This Court adopted that Memorandum and Recommendation in March 2021. Dkt 86.

Badaiki hadn't yet requested leave to appeal *in forma pauperis* as to his second *mandamus* petition when Judge Sheldon issued his Memorandum and Recommendation in February 2021. Badaiki thereafter made such a request. Dkt 56. Judge Sheldon again recommended denying the motion for leave to appeal *in forma pauperis* as to the second petition. Dkt 59.

The district court conducts a *de novo* review of those conclusions of a magistrate judge to which a party has specifically objected. See 28 USC § 636(b)(1)(C); *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989). To accept any other portions to which there is no objection, the reviewing court need only satisfy itself that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1420 (5th Cir 1996); see also FRCP 72(b) Advisory Committee Note (1983).

No party filed any objection to the subject Memorandum and Recommendation. The Court has reviewed the pleadings, the

record, the applicable law, and the recommendation. No clear error appears on the face of the record.

The Court ADOPTS the Memorandum and Recommendation as the Memorandum and Order of this Court. Dkt 59.

The motion by Plaintiff Fidelis J. Badaiki to appeal *in forma pauperis* with respect to his second petition for a writ of *mandamus* is DENIED. Dkt 56.

SO ORDERED.

Signed on April 20, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Ch R Eskridge" with a stylized flourish at the end.

Hon. Charles Eskridge  
United States District Judge